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*Attorneys for Involuntary Plaintiff Thales Visionix, Inc*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GENTEX CORPORATION and INDIGO  
TECHNOLOGIES, LLC,

Plaintiffs,

THALES VISIONIX, INC.,

Involuntary Plaintiff,

v.

META PLATFORMS, INC., and META  
PLAINTFORM TECHNOLOGIES, LLC,  
Defendants.

Case No.: 4:22-cv-03892-YGR

INVOLUNTARY PLAINTIFF THALES  
VISIONIX, INC.'S MOTION TO SEAL  
PORTIONS OF RESPONSE TO JOINT  
MOTION TO DISMISS

1 Pursuant to Civil Local Rules 7-11 and 79-5(d) and (e), Involuntary plaintiff Thales  
2 Visionix, Inc. (“Thales”) hereby moves for an order sealing certain portions of Involuntary  
3 Plaintiff’s Response to the Joint Motion to Dismiss.  
4

5 Exhibit A to the Joint Motion to Dismiss is a copy of a settlement agreement (“Settlement  
6 Agreement”) signed between Gentex Corporation and Indigo Technologies, LLC (collectively,  
7 “Gentex”) and Meta Platforms, Inc. and Meta Platforms Technologies, LLC (collectively,  
8 “Meta”). (ECF No. 140, ¶ 4). Exhibit B to the Joint Motion to Dismiss is a Term Sheet (“Term  
9 Sheet”) signed by Thales, Gentex, and Meta. (Id.).  
10

11 The Settlement Agreement and Term Sheet reflect confidential business information of  
12 the Parties, including financial terms and details of confidential licensing negotiations. Such  
13 details constitute sensitive business information, not publicly available or publicly disclosed,  
14 which the Parties maintain in the strictest confidence. To make publicly available these details  
15 about the Parties’ licensing activities would cause substantial economic and competitive harm to  
16 the Parties, including Thales. (Tauger Decl. 6).  
17

18 Certain portions of the Response to the Joint Motion to Dismiss discuss the terms of the  
19 Agreement and Term Sheet. These portions also reflect sensitive business information about the  
20 Parties’ licensing practices, disclosure of which would cause substantial economic and  
21 competitive harm to the Parties, including Thales. The narrowly tailored portions of the  
22 Response to the Joint Motion that reflect or contain these confidential details are highlighted in  
23 yellow. (Tauger Decl. 7).  
24

25 When considering a motion to seal, the Court must “conscientiously balance the  
26 competing interests of the public and the party who seeks to keep certain judicial records secret.”  
27 *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (cleaned up).  
28

Where, as here, the motion is only tangentially related to the merits of the case, a “particularized showing” under the good cause standard of Rule 26(c) suffices to grant a motion to seal. *See id.* at 1099; *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006); *Exeltis USA Inc. v. First Databank, Inc.*, 2020 WL 2838812, at \*1 (N.D. Cal. June 1, 2020). Courts routinely conclude that “‘confidential business information’ in the form of ‘license agreements, financial terms, details of confidential licensing negotiations, and business strategies’” satisfy the good cause or compelling reasons standard for sealing. *Exeltis*, 2020 WL 2838812, at \*1; *In re Qualcomm Litig.*, 2017 WL 5176922, at \*2 (S.D. Cal. Nov. 8, 2017).

Accordingly, Thales respectfully requests that the Court seal portions of its Response to the Joint Motion to Dismiss.

This 26th day of January 2024.

Respectfully submitted,

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